

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

SAMANTHA MARTA CHACON,

Plaintiff,

v.

No. 1:24-cv-01073-WJ-LF

BERNALILLO COUNTY METROPOLITAN COURT and
YVETTE K. GONZALES,

Defendants.

MEMORANDUM OPINION AND ORDER OF DISMISSAL

Pro se Plaintiff asserts claims pursuant to the Americans with Disabilities Act (“ADA”) against: (i) Bernalillo County Metropolitan Court; and (ii) Judge Yvette K. Gonzales. See Civil Rights Complaint Pursuant to 42 U.S.C. § 1983, Doc. 1, filed October 23, 2024 (“Complaint”). Plaintiff does not identify the specific provision in the ADA pursuant to which she is asserting claims. It appears Plaintiff is asserting claims pursuant to Title II of the ADA, 42 U.S.C. §§ 12131 *et seq.*, which provides that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” 42 U.S.C. § 12132. Plaintiff, who has a hearing disability, alleges she requested “caption enabling on Zoom” and that Defendants failed to reasonably accommodate her disabilities during court proceedings. Complaint at 2-3. Plaintiff seeks monetary damages for violation of her ADA rights and for emotional distress. Complaint at 5.

United States Magistrate Judge Laura Fashing notified Plaintiff:

- (i) The Complaint does not allege facts supporting jurisdiction over Plaintiff’s Title II claims against Defendant Bernalillo County Metropolitan Court, which is an arm of the State of New Mexico, because it does not show that Title II validly abrogated

the State's sovereign immunity. Judge Fashing described the United States Supreme Court's three-part test for determining whether Title II validly abrogated states' immunity with respect to specific claims in individual cases.

- (ii) The Complaint fails to state a claim pursuant to Title II of the ADA against Defendant Gonzales because Title II does not create individual liability.
- (iii) Eleventh Amendment immunity bars monetary damages for Plaintiff's emotional distress claims against Defendant Bernalillo County Metropolitan Court and Defendant Gonzales in her official capacity.
- (iv) The Complaint fails to state claims for monetary damages against Defendant Gonzales in her personal capacity because state court judges are absolutely immune from monetary damages claims for actions taken in their judicial capacity, unless the actions are taken in the complete absence of all jurisdiction.

Order to Show Cause at 3-6. Judge Fashing ordered Plaintiff to show cause why the Court should not dismiss her claims and to file an amended complaint. *See* Order to Show Cause at 8 (notifying Plaintiff that failure to timely show cause and file an amended complaint may result in dismissal of this case). Plaintiff did not show cause or file an amended complaint by the November 19, 2024, deadline.

The Court dismisses this case because: (i) the Complaint does not show the Court has jurisdiction over Plaintiff's ADA claim against Bernalillo County Metropolitan Court and fails to state claims upon which relief can be granted; (ii) Plaintiff did not show cause why the Court should not dismiss her claims; and (iii) Plaintiff did not file an amended complaint.

IT IS ORDERED that this case is **DISMISSED without prejudice**.

/s/
WILLIAM P. JOHNSON
CHIEF UNITED STATES DISTRICT JUDGE